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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	CR S-03-375 EJG
	)	
Plaintiff,	)	<del>[PROPOSED]</del> ORDER
	)	
v.	)	
	)	
SUSAN SERRANO,	)	
	)	
Defendant.	)	

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This matter coming on before the Court on December 2, 2005, on Defendant's motion for bail pending sentencing. The United States opposed that motion.

On November 30, 2005, the jury returned a verdict of guilty against the defendant of one count of health care fraud as set forth in the Indictment. The government thereafter moved to have the defendant detained as a flight risk, at which time she was detained by the Court.

Upon conviction, the burden of proof shifts to the Defendant to establish by clear and convincing evidence that she is not a flight risk. 18 U.S.C. § 3143(a). At the hearing on December 2, 2005, the only evidence offered by the defendant to attempt to

1 meet her burden was that she had made all of her prior  
2 appearances, that she had posted a \$50,000 bond, and claimed she  
3 was employed in Los Angeles reading audiological reports.  
4 However, following the jury's verdict, the defendant gave a  
5 different statement to the Pretrial Services Officer in which she  
6 said that she had no job and had not had one for the last year  
7 and a half.

8       The only ties to the community the Defendant claimed to the  
9 Pretrial Services Officer was financial support she received from  
10 the family. She has not accounted for any of the \$190,000 per  
11 year income which she claimed to the Pretrial Services Officer  
12 she was receiving at the time when she was initially interviewed  
13 in September of 2003, nor has she accounted for any of the money  
14 she received as a result of her defrauding Medi-Cal.

15 Accordingly, the Court has substantial concerns about whether the  
16 defendant has hidden assets which could be used to help her flee  
17 if released.

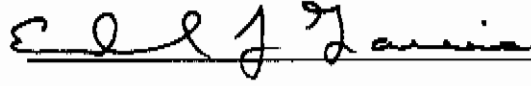
18       The Court further finds, based on the defendant's trial  
19 testimony, that she utterly lacks credibility. This negates the  
20 believability of any representations by the defendant that she  
21 would appear for sentencing. Accordingly, the Court agrees with  
22 the Pretrial Services Officer's recommendation that there are  
23 currently no conditions or combination of conditions that would  
24 reasonably assure the defendant's appearance at sentencing. The  
25 Court finds that by any standard of proof, the defendant has  
26 failed to establish that she is not a flight risk.

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1 Accordingly, the defendant's motion for bail pending  
2 sentencing is DENIED.

3 Dated: 1/9/06



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5 HONORABLE EDWARD J. GARCIA  
UNITED STATES DISTRICT JUDGE  
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